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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,863

04/15/2004

Christian Riedl

P04,0099

7106

26574

7590

02/18/2009

SCHIFF HARDIN, LLP
PATENT DEPARTMENT
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EXAMINER

VO, QUANG N

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

02/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/824,863	Applicant(s) RIEDL, CHRISTIAN	
	Examiner Quang N. Vo	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 33-36, 41-56 and 61-63.
 Claim(s) withdrawn from consideration: 37-40 and 57-60.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/David K Moore/
 Supervisory Patent Examiner, Art Unit 2625

/Quang N Vo/
 Examiner, Art Unit 2625

Continuation of 11. does NOT place the application in condition for allowance because: Regarding claims 33 and 52, claims 33 and 52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the limitation "mechanically fixing an uppermost page of the first job by a continuous downward pressure onto a top surface of uppermost page of the first job after the offset stacking of the pages of the first job and during the offset stacking of all of the pages of the second job." is not defined in the specification. Applicant explains on pages 9 and 10 how the related specification supporting the claim limitations. However, this argument is not persuasive because some of the applicant's explanation are not in the specification and it is considered new subject matters, for example: "the eccentric roller 22 at the right side is 180° offset from the eccentric roller 22 at the left side" is not defined in the specification.

Regarding claims 33 and 52 under 35 U.S.C. §103 rejection, applicant argues that there would be no teaching of Applicant's claim 33 of downward pressure onto a top surface of the uppermost page of the first job after the offset stacking of the pages of the first job and during the offset staking of all pages of the second job.

In response: Williams differs from claim 33 in that he does not explicitly disclose mechanically fixing an uppermost page of the first job by a continuous downward pressure onto a top surface of uppermost page of the first job after the offset stacking of the pages of the first job and during the offset stacking of all of the pages of the second job.

Borostyan discloses disclose mechanically fixing an uppermost page of the first job by a continuous downward pressure onto a top surface of uppermost page of the first job after the offset stacking of the pages of the first job and during the offset stacking of all of the pages of the second job (e.g., arms 124 and 126 move in the direction of arrow 164, while remaining parallel to one another without applying a lateral force, i.e. a force parallel to arrow 164 on the sets of copy sheets (Note: examiner interprets a force applying on the sets of copy sheets are plural bundle of offset stacking including offset stacking of the pages of the first job and during offset stacking of all pages of the second job). This insures that the integrity of the sets of copy sheets on tray 114 remain undisturbed as tray 114 moves laterally to offset successive sets of copy sheets from one another, column 8, lines 31-36).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Williams to include disclose mechanically fixing an uppermost page of the first job by a continuous downward pressure onto a top surface of uppermost page of the first job after the offset stacking of the pages of the first job and during the offset stacking of all of the pages of the second job as taught by Borostyan. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Williams by the teaching of Borostyan to secure offset paper sets for stacking.